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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,671	08/07/2001	Kevin Miller	ORCL 2000-070-01	3662

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EXAMINER
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GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
3693	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/924,671	<b>Applicant(s)</b> MILLER ET AL.	
	<b>Examiner</b> Jocelyn Greimel	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Applicant's action of August 7, 2001, which claims the benefit of 60/266,968 of February 6, 2001. Claims 1-12 are being examined.

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because: it does not identify the citizenship of each inventor.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Alaia et al (US Patent No. 6,199,050, hereinafter Alaia). In reference to claim 1, Alaia discloses: in an electronic commerce exchange, an auction method for implementing automatic extension of an auction in response to bidding activity from auction participants, comprising the steps of: setting an end time for concluding an auction (col. 4, lines 12-40); receiving bids from remote bidders via a distributed computing network (col. 4, lines

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12-65); determining whether a predetermined number of bids are received within a predetermined time of the auction end time; if a greater number of bids are received within the predetermined time, extending the duration of the auction automatically and setting a new auction end time; and notifying auction participants of the new auction end time (col. 6, lines 30-67; col. 7, lines 1-31).

5. In reference to claim 2, Alaia discloses the auction method further including the step of setting a start time of the auction (col. 4, lines 12-40).

6. In reference to claims 3 and 4, Alaia discloses the auction method wherein the predetermined number of bids is user defined. Alaia discloses the auction method wherein the predetermined time is user defined (col. 4, lines 23-40; col. 6, lines 63-67; col. 7, lines 1-30; col. 14, lines 23-59).

7. In reference to claims 5 and 6, Alaia discloses the auction method wherein the duration of the extension from the new auction end time is user defined. Alaia additionally discloses the auction method, which further includes the step of extending the duration of the auction a plurality of times where the greater number of bids is received within the predetermined time respectively (col. 4, lines 23-40; col. 6, lines 63-67; col. 7, lines 1-30; col. 14, lines 23-59).

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8. In reference to claim 7, Alaia discloses the auction method further including the step of setting a minimum bid difference at which a succeeding bid must differ from a preceding bid from the remote bidders (col. 6, lines 63-67; col. 7, lines 1-30; col. 14, lines 23-59).

9. In reference to claim 8, Alaia discloses: in an electronic commerce exchange, an auction method for implementing dynamic automatic extension of an auction in response to bidding activity from auction participants, comprising the steps of: setting a start time and an end time for an auction; receiving bids from remote bidders via a distributed computing network; setting a minimum bid difference at which a succeeding bid must differ from a preceding bid from the remote bidders; determining whether a predetermined number of bids are received within a predetermined time of the auction end time; if a greater number of bids are received within the predetermined time, extending the duration of the auction automatically and setting a new auction end time; and notifying auction participants of the new end time (col. 4, lines 23-40; col. 6, lines 63-67; col. 7, lines 1-30; col. 9, lines 3-41; col. 14, lines 23-59).

10. In reference to claims 9 and 10, Alaia discloses: the auction method wherein the predetermined number of bids is altered dynamically after the start time of the auction. Alaia additionally discloses the auction method wherein the predetermined time is altered dynamically after the start time of the auction (col. 9, lines 3-41).

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11. In reference to claim 11, Alaia discloses the auction method wherein the duration of the extension from the new auction end time is altered dynamically after the start time of the auction (col. 9, lines 3-41).

12. In reference to claim 12, Alaia discloses the auction method further including the step of extending the duration of the auction a plurality of times where the greater number of bids are received within the predetermined time respectively (col. 7, lines 19-31; col. 9, lines 3-41).

### ***Conclusion***


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner  
Art Unit 3693

jwg  
July 26, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER